IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Writ Petition No.6120 of 2006

Shri Ambadas Lalappa Samal — Petitioner
Vs.
Shri Yadgiri Vyankatayya Bhairi — Respondent

Mr.Shrishail Sakahare for petitioner.

CORAM: B.H.MARLAPALLE, J.

April 13, 2007.

P.C.

. Heard Mr.Sakhare, the learned counsel for the petitioner - judgment debtor. By the impugned order passed below Exhibit 49 in Regular Darkhast No.7 of 2002, the learned Judge of the executing Court has allowed the amendment as prayed for by the decree holder. It also made it very clear that the liability of the judgment debtor can be decided subsequently after he files a reply in the Darkhast proceedings. The judgment debtor has the liberty to file a reply to the amended portion or reply to the proceedings in its entirety and while filing such a reply the judgment debtor may point out that the original landlord i.e. the decree holder has alienated the suit property to Shri Mallikarjun Rohite on or about 4/8/2004. The executing Court will certainly take into consideration these aspects

before any final order is passed in the Darkhast proceedings. Hence the impugned interlocutory order does not call for interference under Article 227 of the Constitution.

. The petition is hereby rejected summarily.

(B.H.MARL